

United States District Court

for

The Western District of New York

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Robert Welch

Case Number: 1:07M02179-001

Name of Sentencing Judicial Officer: Honorable Hugh B. Scott, U.S. Magistrate Judge

Date of Original Sentence: May 29, 2008

Original Offense: Theft in Connection With a Health Care Benefit Program, in violation of Title 18 U.S.C. §669 and §2.

Original Sentence: Five (5) years probation. Special Conditions include: financial disclosure; no new debt or credit; and restitution in the amount of \$10,992 to be paid at the rate of 10% gross monthly income.

Modification: On 03/25/09, the subject's conditions were modified to include 20 hours a week of community service for 2 months as a result of driving with a suspended license.

Modification: On 06/16/09, the subject's conditions were modified to include he undergo a mental health evaluation. This was in response to the subject expressing thoughts of suicide due to financial hardship. He was found not to be in need of treatment on 08/25/09.

Type of Supervision: Probation

Date Supervision Commenced: 05/29/2008

PETITIONING THE COURT

- ☐ To extend the term of supervision for _ years, for a total term of _ years.
☒ To modify the conditions of supervision as follows:

The current restitution payment schedule of 10% gross monthly income, which was ordered at the time of sentencing, is now reduced to \$20 per month.

CAUSE

The subject's monthly restitution payments have fluctuated since his probation commenced. Initially, the subject had difficulty obtaining employment. After obtaining employment, a financial investigation was conducted by our office and it was determined that he could afford to

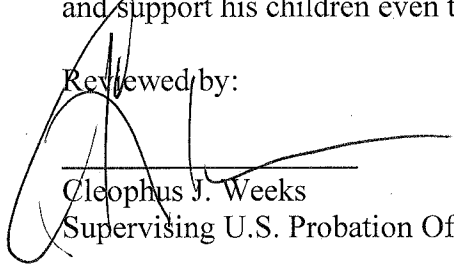
RE: Welch, Robert
1:07M02179-001

pay \$100 per month. However, as of January 16, 2012, the subject's weekly child support deductions increased from \$248.53 to \$344.90. Given this increase the subject is unable to meet the \$100 per month payment schedule.

At this time, we are respectfully requesting the subject's monthly payments be reduced to \$20 per month. The subject has reported he is able to meet this obligation. He agreed to the above modification and signed the attached Probation Form 49.

It should be noted that the subject has thirteen (13) children. He has taken the initiative to obtain employment at Dupont as a material handler earning \$15 an hour. The subject continues to work and support his children even though he only takes home \$156.39 out of the \$501.39 earned.

Reviewed by:


Cleophus J. Weeks
Supervising U.S. Probation Officer

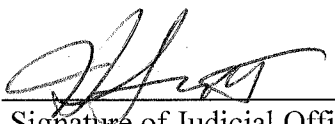
Respectfully submitted,

by


Corey M. Ricca
U.S. Probation Officer Assistant
Date: 04/30/12

THE COURT ORDERS:

- ☐ No Action
- ☒ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other


Signature of Judicial Officer
5/3/12
Date

HUGH B. SCOTT
UNITED STATES MAGISTRATE JUDGE

**United States District Court
Western District of New York**

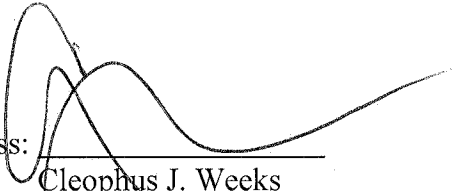
**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing. I further understand that all previously imposed conditions will remain in effect.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:


The current restitution payment schedule of 10% gross monthly income, which was ordered at the time of sentencing, is now reduced to \$20 per month.

Witness:



Cleophus J. Weeks
Supervising U.S. Probation Officer

Signed:



Robert Welch
Probationer

4-30-12
Date